

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GENLYTE THOMAS GROUP LLC,

Plaintiff/Counterclaim Defendant,
v.

ARCHITECTURAL LIGHTING SYSTEMS, a
division of ARCH LIGHTING GROUP,

Defendant/Counterclaimant.

Civil Action No. 05-CV-10945 REK

**DEFENDANT’S MOTION FOR SUMMARY JUDGMENT
OF NONINFRINGEMENT AND FOR ATTORNEYS FEES**

Defendant, Arch Lighting Group, Inc. (“ALS”), hereby moves this court for an order of summary judgment with respect to non-infringement of U.S. Patent No. 5,038,254 (“the ‘254 Patent”). As set forth more fully in the accompany memorandum and Statement of Undisputed Facts, there are no disputes of material fact with respect to the design and operation of ALS’s MulTMed products. The fixtures in MulTMed products all direct light in the same direction, mostly downward. The accused products do not infringe any claim of the ‘254 Patent, which require two fixtures which aim light in different directions. Summary judgment of non-infringement should be granted.

Furthermore, prior to filing suit, Plaintiff was well aware that the MulTMed products did not have fixtures which aim light in different directions nor an ambient light which aims light at the wall as required by the claims of the ‘254 Patent. Therefore, this case is exceptional under 35 U.S.C. ¶285 and defendant should be awarded it attorneys fees in defending this action.

Respectfully submitted,

Dated: November 1, 2006

s/ Brett N. Dorny
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on November 1, 2006.

s/ Brett N. Dorny
Brett N. Dorny